

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KRAFT FOODS GLOBAL, INC., THE)	
KELLOGG COMPANY, GENERAL)	
MILLS, INC., and NESTLÉ USA, INC.,)	
)	
Plaintiffs,)	No. 1:11-cv-08808
)	
v.)	Judge Charles R. Norgle
)	
UNITED EGG PRODUCERS, INC.,)	
UNITED STATES EGG MARKETERS,)	
INC., CAL-MAINE FOODS, INC.,)	
MICHAEL FOODS INC., and ROSE ACRE)	
FARMS, INC.)	
)	
Defendants.)	

**UNOPPOSED PLAINTIFFS' MOTION FOR AN ORDER
CONCERNING THE FILING OF THE DESIGNATED RECORD ON REMAND**

Movants' Procedural History

This case has been remanded to this Court from a multidistrict proceeding in the Eastern District of Pennsylvania: *In re Processed Egg Products Antitrust Litigation*, Case No. 2:08-md-02002-GEKP, MDL No. 2002. Plaintiffs filed this Sherman Act price-fixing case in this Court on December 12, 2011, and on January 3, 2012, the Judicial Panel on Multidistrict Litigation (“JPML”) transferred it to the Eastern District of Pennsylvania for coordinated pretrial proceedings with related cases.

On August 7, 2019, with the completion of MDL pretrial proceedings in this case, including fact and expert discovery and summary-judgment motions, Judge Gene E.K. Pratter, who presided over the MDL proceeding, entered a Suggestion of Remand, and on August 16, 2019, this case was remanded to this Court. On September 16, 2019, this case was assigned to this Court.

On October 15, 2019, as required by JPML Rule 10.4(a), the parties filed a Joint Designation of the Record on Remand (attached hereto as Exhibit 1).¹ The Joint Designation included the 72 docket entries from Plaintiffs' separate case docket in the Eastern District of Pennsylvania, *Kraft Foods Global, Inc. et al v. United Egg Producers, Inc., et al.*, Case No. 2:12-cv-00088-GP (the "Kraft E.D. Pa. Case"), and 415 docket entries from the MDL docket.

To date, certain orders and pleadings from the Kraft E.D. Pa. Case docket have been refiled in this Court. To expedite this time-consuming and labor-intensive process of refiling the other docket entries, the parties propose the following procedure for filing the remand record in this Court and respectfully ask the Court to approve this procedure.

The Parties' Proposed Procedure for Refiling the MDL Remand Record in this Court

First, the docket entries identified in the parties' Joint Designation of the Remand Record (Exhibit 1) are deemed to be part of the record pertaining to this case ("Stipulated Remand Record").

Second, any party may refile in this Court, at any time while this case is pending here, any document from the Stipulated Remand Record.

¹ JPML Rule 10.4 provides:

RULE 10.4: TRANSFER OF FILES ON REMAND

(a) Designating the Record. Upon receipt of an order to remand from the Clerk of the Panel, the parties shall furnish forthwith to the transferee district clerk a stipulation or designation of the contents of the record or part thereof to be remanded.

(b) Transfer of Files. Upon receipt of an order to remand from the Clerk of the Panel, the transferee district shall transmit to the clerk of the transferor district the following concerning each remanded action:

- (i) a copy of the individual docket sheet for each action remanded;
- (ii) a copy of the master docket sheet, if applicable;
- (iii) the entire file for each action remanded, as originally received from the transferor district and augmented as set out in this Rule;
- (iv) a copy of the final pretrial order, if applicable; and
- (v) a "record on remand" as designated by the parties in accordance with 10.4(a).

Third, any party may attach to a new filing in this Court any document from the Stipulated Remand Record which that party deems relevant to its new filing.

Fourth, if any party determines that it is necessary to do so, the parties agree to cooperate to ensure that all documents from the Stipulated Remand Record that one or more parties consider relevant to an appeal in this case are either: 1) timely refiled in this case, or 2) the parties consent to a stipulation pursuant to Fed. R. App. P. 10(e) so that they are included in the record for any appeal in the U.S. Court of Appeals for the Seventh Circuit.

It should be noted that the parties continue to have access through Pacer to all documents on file in the Kraft E.D. Pa. Case and the MDL proceeding in the Eastern District of Pennsylvania.

The parties believe that the proposed procedure will eliminate any delays relating to the refile of the docket entries identified on the Stipulated Remand Record and limit the burden on the clerk's offices. The parties have entered into a stipulation consistent with the above-described procedure (attached hereto as Exhibit 2).

CONCLUSION

The parties request that the Court approve the procedures outlined above and enter the Proposed Order Concerning the Filing of the Designated Record on Remand, which Plaintiffs will submit electronically per the Court's Case Procedures.

Dated: March 10, 2020

Respectfully submitted,

/s/ James T. Malysiak

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused the foregoing Unopposed Plaintiffs' Motion for an Order Concerning the Filing of the Designated Record on Remand, and the related Proposed Order Concerning the Filing of the Designated Record on Remand, to be served via email at the following addresses:

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Dated: March 10, 2020

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